

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON, OHIO

JEANINE GAVER

Plaintiff,

v.

DIGESTIVE SPECIALISTS, INC., et al.

Defendants.

CASE NO. 3:13-CV-022

JUDGE TIMOTHY BLACK

AGREED PROTECTIVE ORDER

The Plaintiff asserts that certain documents and information at issue in this case or sought by the Defendant, Ramesh Gandhi, in discovery may contain confidential or proprietary information and require protection against unrestricted disclosure and use. The parties have agreed to enter into this Protective Order to provide protection against unrestricted disclosure and use.

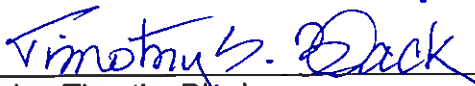
Therefore, it is hereby ORDERED as follows:

1. Plaintiff's medical records (the "Documents") shall be deemed Confidential. These Documents (a) shall be used and disclosed (including use for examination and/or cross-examination) only in connection with this litigation and shall not be used or disclosed by any party or person subject to this Order for any other purposes whatsoever and (b) the Documents shall remain at all times during the course of this action in the custody of the Defendant's counsel (unless filed with the Court as described in paragraph 4 of this Order) until returned pursuant to paragraph 3 of this Order.
2. To the extent that Defendant Ramesh Gandhi wishes to share the Documents with co-Defendant, Digestive Specialists, Inc. and/or its counsel, Defendant Gandhi shall ensure that co-Defendant Digestive Specialists, Inc. and/or its

counsel have agreed, in writing, to honor the terms and conditions of this Agreed Protective Order.

3. Within thirty (30) days after the termination of this action, whether by judgment, final decision on appeal, or otherwise, Defendant shall return, through its counsel, to the Plaintiff all copies of the Documents and will retain no copies thereof for any purposes.
4. The Documents may be filed under seal with the Court. If the Court approves this motion, the Documents shall be contained in a sealed envelope on which shall be noted the caption of this case, the nature of the contents, the word CONFIDENTIAL and the following statement:
 - a. This envelope contains material that was filed by [name of party] in Case No. 3:13-CV-022 and is not to be opened by, nor may its contents be displayed or revealed to, anyone other than the Court or counsel in this case, except as otherwise directed by this Court.
5. The Documents shall be maintained in such condition by the Court subject to access and use for this action by the Court or counsel.
6. The disclosure of the Documents in this matter shall not be deemed a waiver of any privilege for any other information, testimony or documentation in this matter, or in any other matter between the parties hereto.
7. This Protective Order may be modified by further Order of the Court.

FOR GOOD CAUSE, IT IS SO ORDERED this 28th day of OCTOBER, 2012.



Judge Timothy Black

Agreed to By Counsel:

s/Jill A. Mead
Jill A. Mead (0072623)
Bradley C. Smith (0023936)
Flanagan, Lieberman, Hoffman, & Swaim
15 W. Fourth St., Suite 100
Dayton, OH 45402
Telephone: (937) 223-5200
E-mail: jmead@flhslaw.com
Fax: (937) 223-3335
Counsel for Plaintiff

s/Patrick Kasson
Patrick Kasson (0055570)
Whitney D. Cole (0089273)
Reminger Co., L.P.A.
Capital Square Bldg., 4th Floor
65 E. State St.
Columbus, OH 43215
Telephone: (614) 232-2418
E-mail: pkasson@reminger.com
Counsel for Defendant Gandhi